

1 Tallahassee, he'd put in a good word for Judge Alvarez,
2 and that his understanding from Tallahassee was it was
3 Judge Alvarez' job if he wanted it. I said, "Well,
4 good. I'm glad to hear that. If he wants it, fine."

5 Q How would you characterize your visits to
6 his office, as frequent, infrequent, occasional? Just
7 how would you characterize it?

8 A Well, it's more frequent than I thought
9 earlier because I've thought about it since and I've
10 kind of made a list. And that I can remember, since
11 that question was first asked of me, I know that I
12 went -- I've been in there at least seven times in the
13 60 to 90 days prior to this incident. But I would
14 say -- I would say it was occasional, it wasn't
15 frequent. Clearly it wasn't frequent.

16 Q And you felt that your relationship was
17 cordial?

18 A Yeah. It was not -- we had never had a
19 cross word that I know of.

20 Q On July 27th, as you went about
21 distributing statistics when you left your chambers,
22 was it your intent at that point in time to go visit
23 with Judge Holder?

24 A I thought about doing it, yes. I
25 hadn't -- I wasn't 100 percent made up my mind that I

1 was going to talk to him, but I wanted -- I wanted to
2 talk to him.

3 And I was kind of just thinking that if I
4 had the opportunity that I would talk to him about it.
5 Because I wanted -- there was two things I was going to
6 talk to him about: One is the -- is this case that we
7 had, this family law case that I had to talk to him
8 about one aspect of that case; and I was going to talk
9 to him about what was going on in the -- around the
10 courthouse, the atmosphere that we were having.

11 And what I -- what I mean by that is that
12 there was a lot of things that were going on that were
13 made public. See, I had no problem with issues that
14 are raised as to judges, that they're investigated and
15 proper procedures are gone into. And if there's -- and
16 there's forums where these issues can be -- can be
17 dealt with, investigated. And if some action needs to
18 be taken against the judge, then it's taken by these
19 bodies.

20 But I didn't think it's something that
21 should be, you know, talked about in the media. I
22 didn't think it was good for the judiciary. I didn't
23 think it was good for each of the individual judges.
24 And --

25 Q So was it your intent to -- Judge, you're

1 a lawyer's worst nightmare.

2 A I'm sorry. I'll try to be good.

3 Q I ask you how to get from here to there
4 and you send me all over the building. So --

5 A No, I'll try to be good.

6 Q Thank you. I appreciate you. And I
7 don't want -- I want to cover everything. Before we
8 leave here today I bet we do, okay, sir?

9 A All right.

10 Q So it sounds to me, from that rather
11 lengthy explanation, you had thought this matter out
12 and you were going to see Judge Holder?

13 A I thought about that I wanted to talk to
14 him, yes. And I wanted to try to persuade him that it
15 wasn't in his best interest, or the judiciary or any of
16 the judges, to have all of this dirty laundry, less --
17 for another word, aired in public. Let's let it go
18 through the normal course.

19 Now, why was I a little sensitive and why
20 was I kind of, you know, should I talk to him or not
21 was because he had always denied that he had anything
22 to do with having it get out in the media. So if I go
23 in there, I can't go in there and accuse him of -- of,
24 you know, leaking this to the media, even though, you
25 know --

1 Q But you clearly believed that he was?

2 A I thought he was. And I know now that he
3 is. But --

4 Q But my question was --

5 A But that's a different thing.

6 Q -- when you started out, and I think
7 you've answered it, I think we've gone from, "I thought
8 about it," to, "I'm going to do it."

9 A No, but -- no. No, because see --

10 Q "I'm going to see Judge Holder."

11 A No, but the thing is, see, I was kind of
12 hesitant about it because I really didn't know how to
13 approach this thing because I didn't want to make it
14 worse, which I wound up doing. But --

15 Q But you had two things to talk to him
16 about.

17 A I did.

18 Q One was the case.

19 A I did.

20 Q No reason not to talk to him that, is
21 there?

22 A No. I was going to talk to him about the
23 case, and then I was planning to just try to see if I
24 could shift into this other thing.

25 Q Okay. All right.

1 A I didn't want to go in there just like I
2 was going to talk about that issue.

3 Q This other thing best coming from you or
4 from the Chief Judge?

5 A What?

6 Q This whole other thing you talked about,
7 the environment, the leaks to the press?

8 A Well, it could have come from Dennis. I
9 know Dennis and I had had dialogue about stuff. But,
10 you know, I guess what -- you know what I think
11 happened? I'll tell you the truth. I was -- I had
12 been acting Chief Judge because Judge Alvarez had
13 surgery on his knee, had a knee replacement done in May
14 30th.

15 So they made me acting Chief Judge and I
16 was doing that position, you know. And, you know, in
17 retrospect, big mistake. I got too caught up in
18 worrying about the circuit and how things were going
19 and all that. I should have just stuck to my division
20 and just done the ministerial things.

21 But I think because of working in that
22 position for that time frame that I did, which was a
23 couple of months, I guess maybe I thought more about it
24 and felt like that I should try to do something about
25 it.

1 Q All right. You've given two reasons now
2 for having it on your mind to talk to Judge Holder.
3 Were there any other reasons to see Judge Holder?

4 A No.

5 Q Okay. Did it enter your mind to call
6 ahead and see if he was going to be there after hours?

7 A No.

8 Q You approached his office after leaving
9 Judge Ficarrotta's office; is that right?

10 A From his door, right.

11 Q And that's kind of a side door that --

12 A Uh-huh.

13 Q Okay. Tell us what happened when you
14 left Judge Ficarrotta's office.

15 A I went to his door, knocked on the door,
16 and went in, and -- to see if he was there to talk to
17 him.

18 Q How did you get in?

19 A Well, I opened the door.

20 Q Was the door ajar?

21 A Well, I know we've been through this
22 before. My recollection was that the door, I grabbed
23 the handle and knocked at the same time and the door
24 just opened.

25 Q Did you twist the handle?

1 A I don't know. I wasn't -- I wasn't
2 thinking about it. I wish I could be more specific.
3 But I went in, the lights were on in his office and in
4 the conference room or the lab, whatever you want to
5 call it, hearing room.

6 Q You're getting ahead of me.

7 A I'm sorry.

8 Q We're going to get there.

9 A I'm sorry.

10 Q Do you remember being interviewed on
11 August 3rd --

12 A Uh-huh.

13 Q -- by Detective David Catlin?

14 A Yes.

15 Q And Scott Peterka --

16 A Yes.

17 Q -- was also there?

18 A Yes. And I said my best recollection was
19 that I didn't turn the knob. That's what I said.

20 Q What you said was, "I -- I -- as I -- as
21 I went to the door I knocked to push it."

22 A Uh-huh.

23 Q "It started opening as I was -- as I was
24 knocking."

25 A Uh-huh.

1 Q "So I knocked it and it went in at the
2 same time."

3 A That's right. That's what I said.

4 Q Is that the same thing you're saying here
5 today?

6 A Same thing I'm saying today. Except I
7 don't -- I'm not a hundred percent sure of whether I
8 turned the knob or not. My recollection at the time
9 was, and my recollection still now is that I didn't.
10 But I may have.

11 And I'll tell you this about my memory
12 that I -- that I've learned, and what makes me -- you
13 know, I don't want to sound like I'm trying to be
14 evasive, but when we had that interview and they were
15 discussing the door and he asked me did the door open
16 in and I said yeah, it opened in, I was kind of
17 visualizing the door.

18 You know, in your mind's eye you kind of
19 look at the thing. And in my mind's eye at the time
20 the door opened from right to left. That's the way I
21 remembered it. And if they'd have asked me that's what
22 I would have testified to.

23 Q Judge --

24 A Then -- wait a minute. Excuse me one
25 second. But then when I went to see --

1 Q Well, Your Honor, --

2 A Do you folks want to hear me?

3 Q Respectfully, you're not in charge of
4 this proceeding.

5 A I understand that.

6 Q You're going to be asked questions and I
7 want an answer.

8 A I know that.

9 Q And I don't want you going all over the
10 place.

11 A Well, I just thought the Grand Jury might
12 want to hear --

13 Q They're going to have every question
14 answered before you leave here.

15 A All right.

16 Q Judge, it's not a free forum just to walk
17 in and take over.

18 A I'm not trying to do that.

19 Q Judge, the date of the incident was July
20 the 27th; is that correct?

21 A Yes, sir.

22 Q The date of the interview was August the
23 3rd; is that correct?

24 A Yes, sir.

25 Q Did you express any doubt in when you

1 described how the door opened at that time?

2 A Yes.

3 Q I'm going to show you -- I'll show you
4 the whole interview or the relevant page, and I want
5 you to tell the Grand Jury where you expressed this
6 doubt?

7 A Well, give me the whole interview because
8 I think it was at the end when it came up again.

9 Q Your attorney appears to be reaching, I
10 hope he is, for that.

11 MR. FERNANDEZ: For a tape for the
12 intonations and the background.

13 BY MR. HILL (resuming):

14 Q Now, Judge, page 14 is what I just
15 alluded to. If there's more, feel free. First of all,
16 go to page 14, if you would.

17 A I already acknowledged that I said that
18 and I say it now. Where do you want to go, to 14?
19 Okay.

20 Q That's all right, you've acknowledged it,
21 so feel free if there's another area in there that --

22 A I just thought there was another place
23 where we talked about it again, and I said I don't know
24 but my best recollection is that the door was just
25 not -- the latch didn't grab and it just pushed open.

1 That was what I felt at the time. Let me see. Page
2 37.

3 Q Okay, sir. Feel free to read whatever
4 you want out of that.

5 A Okay. Well, let's go up a little.
6 "Okay. For purposes of this interview on this evening
7 I didn't use the key.

8 "Catlin: It's important that I
9 understand to clarify with you, at the time you entered
10 the door?

11 "Bonanno: I did not use a key.

12 "And that you did not use the key. Okay.
13 Did you turn the handle?

14 "We -- I know we've cleared that. I
15 grabbed the handle but I don't know if I turned it."

16 Q Yes, sir. That's your complete answer?

17 A That was the statement I made at the
18 time.

19 Q Well, I'm asking you now, is that your
20 complete answer?

21 A What do you mean is that my complete
22 answer?

23 Q Do you want to change anything today,
24 Judge?

25 A I'm not changing anything.

1 Q Then that's your complete answer?

2 A That's my -- that's the statement that I
3 made then and that's my recollection today.

4 Q You didn't use your key?

5 A Did not use my key.

6 Q You said the door was ajar?

7 A That's the way I remembered it, but I'm
8 not a hundred percent.

9 Q Describe ajar, if you would, to the Grand
10 Jury.

11 A Well, it was just -- the door was closed.
12 It wasn't open. It was closed.

13 Q Then how could it be ajar? And maybe
14 you --

15 A Well, ajar maybe is not the right -- let
16 me use -- no, maybe ajar is not the right term. But it
17 was just I grabbed the handle and it went in. It
18 opened in.

19 Q Did you have to push it in, or as you
20 were knocking, as you described on page 14, that it
21 opened?

22 A I don't remember. I wasn't paying
23 attention.

24 Q Do you understand, Judge -- I know you're
25 irritated. Do you understand the --

1 A I'm not irritated.

2 Q -- importance of the question?

3 A Yeah, I do.

4 Q I just want you to have every
5 opportunity --

6 A I understand.

7 Q -- to clarify for these folks.

8 A I understand. If I had -- if it had been
9 locked I would have used my key to go in. So it was
10 just that simple. So, I wasn't paying attention. It
11 didn't matter to me.

12 Q Was the door completely closed?

13 A Yes.

14 Q And you feel that that's consistent with
15 what you've said in the past?

16 A That's what I meant to say. If I didn't
17 express it properly, then I'm sorry.

18 Q Well, ajar is --

19 A I know I said -- I know.

20 Q -- means to me --

21 A What I meant by ajar was that it
22 wasn't -- that I thought I didn't have to turn the
23 handle, that it just opened in. But it wasn't open.

24 Q Well, that's exactly what you said back
25 on August 3rd.

1 A I know. I'm trying to explain it to you.
2 I don't know how else better to explain it to you.

3 Q I don't want to belabor it. Got to make
4 one more effort to clear it up.

5 A Okay. All right.

6 Q You were asked on page 14: "Okay. And
7 did you knock before you went in?" And the answer:
8 "As I -- as I -- as I went to the door I knocked to
9 push it. It started opening as I was -- as I was
10 knocking."

11 A Uh-huh.

12 Q "It started opening as I was knocking.
13 So I knocked it and it went in at the same time."

14 Now, Judge, that implies something
15 different than grabbing the handle and twisting it.
16 And I just want to know if you can clarify that?

17 A I didn't mean it any differently. I just
18 grabbed the door handle and knocked and it opened in.

19 Q Once the door is open, what do you do?

20 A Go inside, I look around to see if I see
21 any indication that Greg Holder is there or not there.

22 Q Did you yell for him?

23 A Yes, I did.

24 Q Can you tell us what you yelled and about
25 how loud you yelled it?

1 A I said, "Greg, hello."

2 Q What, if any, lights are on?

3 A The lights in his office are on, and the
4 lights in the conference room/hearing room are on.

5 Q What, if any, doors are closed that you
6 could see from entering?

7 A I didn't notice any doors closed. I
8 think the door -- I think the door out of his office
9 into the -- into the reception area was open. And I
10 think the door from the hearing room into the reception
11 room was open.

12 Q Is it your opinion that you yelled loud
13 enough so that one in the back part of those offices
14 would have heard you?

15 A I don't know. I was going in to see if
16 he was there, so I wasn't trying to be sure that every
17 nook and cranny of the room could have heard me. I
18 can't -- I can't -- I don't remember. I wasn't
19 thinking about it.

20 Q I want to show you what we believe
21 reflects the layout of Judge Holder's office, and maybe
22 you can look at it and say yes, as you recall it that's
23 it.

24 A I guess that's right, I don't know.

25 Q Well, you've been in there on more than